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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,422	03/13/2000	RUDOLF RITTER	PM257741	9767

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/508,422

Applicant(s)

RITTER ET AL.

Examiner

Debra F. Charles

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 31, 2004 & June 21, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. Claims 13-42 have been amended. Claims 43-50 have been added.

Response to Arguments

2. Applicant's arguments with respect to claims 13-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 18, 19, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenner(U.S. 5561706A), Castro(U.S.PAT. 5359642 A) and Tabbane(U.S.PAT. 5519758A).

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Re claims 13,18, 19, 23 and 27: Fenner disclose a telecommunications terminal device and chipcard, data carrier, a first profile memory area, (Abstract, col. 1, lines 45-67, col. 2, lines 30-60)

Fenner disclose(s) the claimed invention except, pre-paid amount memory area, configured to store a pre-paid amount of money, debit the pre-paid amount of money from the pre-paid amount memory area, determine an amount for new connections, and debit the amount for new connections out of the pre-paid amount memory area when a connection is established. However, in Abstract, Fig. 3, item 45, 46, 52 and 53, col. 2, lines 45-col. 4, line 25 thereof, Castro disclose(s) prepaid subscriber phone service with various memories and deducting funds from the prepaid area. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner based on the teachings of Castro. The motivation to combine these references is to make the money collection system fast and efficient and effective when used with a IC card. IC cards already have memories in them and adding the debit function enables real-time accounting of remaining funds.

Fenner and Castro disclose(s) the claimed invention except dynamic client profile from one or more random variables of previous connections of a customer, store the dynamic client profile, based on the stored dynamic client profile. However, in Abstract,col. 1, line

53-col. 2, line 52, col. 5, lines 15-30, thereof, Tabbane disclose a dynamic profile based on past actions of the user. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner and Castro based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

5. Claims 14, 15,16,17, 20,21,22, 24,25,26, 28,29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenner, Castro and Tabbane as applied to claim 13, 18, 23 and 27 above, and further in view of Kohashi(JP 01108613).

Re claim 14: Fenner, Castro and Tabbane disclose(s) the claimed invention except further comprising a display configured to display the amount for new connections. However, on page 9, paragraph 2, thereof Kohaski disclose a display of liquid crystal or plasma display. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner, Castro and Tabbane based on the teachings of Kohashi. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claims 15, 20, 24 and 28: Fenner disclose further comprising a second profile memory area, wherein the amount for new connections is determined based on a

statistical dynamic overall client profile stored in the second profile memory area, and wherein the overall client profile is derived from one or multiple random variables of previous connections of at least one group of customers of the digital telecommunications network(Abstract, i.e. maintain a plurality of service profiles).

Re claims 16, 21, 25 and 29: Fenner, Castro and Kohaski disclose(s) the claimed invention except the random variables used to derive the dynamic client profile include the at least one of connection duration, time of day, day of the week, and geographic characteristics of previous connections. However, in the Abstract, Fig. 2, 3,4A,4B, 5A and 5B, Col. 1, line 55-col. 2, line 50, thereof, Tabbane discloses a dynamic client profile with location and connection parameters. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner, Castro and Kohashi based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claims 17, 22, 26 and 30: Fenner disclose wherein the amount for new connections is dependent on a statistical system load obtained from the overall client profile(col. 4, lines 40-60).

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6. Claims 31,32,33,34,35,36,37,38,39, 40, 41, 43, 44,45,46, 47,48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenner and Tabbane

Re claims 31 and 32: Fenner disclose a billing method to determine usage fees which arise through use of a digital telecommunications network, comprising:

establishing a connection by the customer via the digital telecommunications network;

and calculating a usage fee before or during the establishing step(Abstract, col. 1, line 45-col. 2, line 60).

Fenner disclose(s) the claimed invention except determining statistical characteristics of previous connections of a customer. However, in Abstract, col. 1, line 55-col. 2, line 55 thereof, Tabbane disclose(s) a dynamic profile created to reflect historical data. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claims 33 and 34: Fenner disclose(s) the claimed invention except deriving a dynamic overall client profile, comprising the statistical features of previous connections of at least one group of customers; storing said dynamic overall client profile in a

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memory area; rederiving said dynamic client profile after new connections of said customer. However, in Abstract, col. 1, line 55-col. 2, line 55 thereof, Tabbane disclose(s) a dynamic profile created to reflect historical data. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claims 35, 36, 37, 38 and 39: Fenner disclose(s) the claimed invention except further updating the client profile so that it contains a value proportional to average duration price per connection of the customer; updating the client profile so that it contains a value proportional to average duration time of a connection of the customer; updating the client profile so that it contains a number of connections of the customer in pre-defined classes of duration of customer connection time; updating the client profile to contain multi-dimensional functions of random variables of previous connections of the customer of the digital telecommunications network; deriving the client profile using random variables which include at least one of connection duration time, time of day, day of the week, and geographic characteristics of previous connections.

However, in the Abstract, Fig. 2, 3,4A,4B, 5A and 5B, Col. 1, line 55-col. 2, line 50, thereof, Tabbane discloses a dynamic client profile with location and connection parameters. It would be obvious to one of ordinary skill in the art to modify the invention

of Fenner based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claim 40: Fenner disclose basing usage fees for new connections on a statistical system load obtained from the overall client profile(col. 4, lines 40-60).

Re claim 41: Fenner disclose determining usage fees for new connections from the stored dynamic client profile when the connection is established(Abstract, col. 1, line 45-col. 2, line 60).

Re claim 43: Fenner disclose(s) the claimed invention except deriving a dynamic client profile from at least one random variable of previous connections of a customer; storing said dynamic client profile in a memory area; and rederiving said dynamic client profile after new connections of said customer.

However, in Abstract, col. 1, line 55-col. 2, line 55 thereof, Tabbane disclose(s) a dynamic profile created to reflect historical data. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claims 44,45,46, and 47: Fenner disclose(s) the claimed invention except updating the client profile so that it contains a value proportional to average duration price per connection of the customer; updating the client profile so that it contains a value proportional to average duration time of a connection of the customer; updating the client profile so that it contains a number of connections of the customer in pre-defined classes of duration of customer connection time; updating the client profile to contain multi-dimensional functions of random variables of previous connections of the customer of the digital telecommunications network.

However, in the Abstract, Fig. 2, 3,4A, 4B, 5A and 5B, Col. 1, line 55-col. 2, line 50, thereof, Tabbane discloses a dynamic client profile with location and connection parameters. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claim 48: Fenner disclose(s) the claimed invention except deriving the client profile using random variables which include at least one of connection duration time, time of day, day of the week, and geographic characteristics of previous connections. However, in the Abstract, Fig. 2, 3,4A,4B, 5A and 5B, Col. 1, line 55-col. 2, line 50, thereof,

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Tabbane discloses a dynamic client profile with location and connection parameters. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner, Castro and Kohashi based on the teachings of Tabbane. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Re claim 49: Fenner disclose determining usage fees for new connections from the stored dynamic client profile when the connection is established(Abstract, col. 1, line 45-col. 2, line 60).

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenner and Tabbane as applied to claim 33 above, and further in view of Ginsberg(U.S.PAT. 6064730A).

Re claim 42: Fenner and Tabbane disclose(s) the claimed invention except allowing the customer to interrupt the connection establishment. However, in col. 6, lines 5-50 thereof, Ginsberg disclose(s) customer interrupt of electronic transmission. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner and Tabbane based on the teachings of Ginsberg. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

8. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenner and Tabbane as applied to claim 43 above, and further in view of Ginsberg(U.S.PAT. 6064730A).


Re claim 50: Fenner and Tabbane disclose(s) the claimed invention except allowing the customer to interrupt the connection establishment. However, in col. 6, lines 5-50 thereof, Ginsberg disclose(s) customer interrupt of electronic transmission. It would be obvious to one of ordinary skill in the art to modify the invention of Fenner and Tabbane based on the teachings of Ginsberg. The motivation to combine these references is to effectuate an efficiently allocated costing based on actual historical consumer usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on (703) 305-9779. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628

Debra F. Charles

Examiner

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